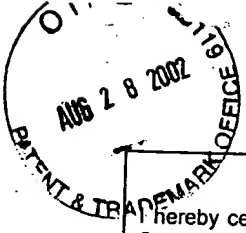


Receipt \$

CASE LA23b CIP-1



CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephen B. Davis

Type or print name

Stephen B. Davis  
Signature

Aug 22, 2002  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

SEP 20 2002

TECH CENTER 1600/2900

IN RE APPLICATION OF

Art Unit: 1615

TIMMINS ET AL.

Examiner: J. Spear

APPLICATION NO: 09/398,107

FILED: SEPTEMBER 16, 1999

FOR: BIPHASIC CONTROLLED RELEASE DELIVERY SYSTEM FOR  
HIGH SOLUBILITY PHARMACEUTICALS AND METHOD

Assistant Commissioner for Patents  
Washington, D.C. 20231

LETTER CORRECTING OFFICIAL FILING RECEIPT

Sir:

The official filing receipt received in the above-identified application erroneously lists the Inventor's name as Peter Timmis. Please issue a corrected filing receipt listing the Inventor's name as follows:

--Peter Timmins--

A copy of the filing receipt with the correction noted is enclosed. Also enclosed is copy of the Declaration and Power of Attorney Form.

Applicants believe this error is ascribable to applicants. Accordingly, the Commissioner is hereby authorized to charge the \$25 fee under 37 CFR §1.19(h) and any additional fees that may be required to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company. An additional copy of this paper is here enclosed.

Respectfully submitted,

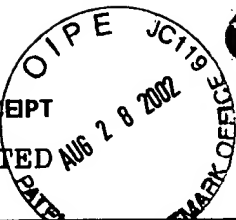
Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-4338

Date: *Aug 22, 2002*

*Stephen B. Davis*  
Stephen B. Davis  
Attorney for Applicants  
Reg. No. 26,693

FILING RECEIPT

CORRECTED AUG 28 2002



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/398,107         | 09/16/99    | 1615         | \$1,808.00    | LA23B               | 0     | 71,    | 3      |

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BURTON RODNEY  
BRISTOL MYERS SQUIBB COMPANY  
P O BOX 4000  
PRINCETON NJ 08543-4000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) **PETER TIMMIS**, MERSEYSIDE, UNITED KINGDOM; ANDREW B. DENNIS, MERSEYSIDE, UNITED KINGDOM; KIREN A. VYAS, KENT, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
THIS APPLN IS A CIP OF 09/044,446 03/19/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/07/99  
TITLE  
BIPHASIC CONTROLLED RELEASE DELIVERY SYSTEM FOR HIGH SOLUBILITY PHARMACEUTICALS AND METHOD

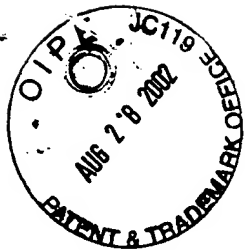
PRELIMINARY CLASS: 424

DATA ENTRY BY: HARDY, EUGENIA

TEAM: 03 DATE: 11/29/99



(See reverse for new important information)



SEP 20 2002

TECH CENTER 1600/2900

Attorney Docket No. LA23b

DECLARATION  
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIPHASIC CONTROLLED RELEASE DELIVERY SYSTEM FOR HIGH SOLUBILITY PHARMACEUTICALS AND METHOD, the specification of which

\_\_\_ is attached hereto; or

X was filed on 09/16/99 as U.S. Patent Application Serial No. 09/398,107.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY FOREIGN APPLICATION(S)  
UNDER 35 U.S.C. §119(a)-(d)

| <u>Number</u> | <u>Country</u> | <u>Filed</u><br><u>(Day/month/year)</u> | <u>Priority</u><br><u>Claimed</u><br><u>(Yes or No)</u> |
|---------------|----------------|---|---|
| NONE          |                |   |   |

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

## PRIORITY U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIORITY U.S. APPLICATION(S)  
UNDER 35 U.S.C. §120

Application Serial No.  
09/044,446

Filing Date  
03/19/98

Status (patented,  
pending or abandoned)  
Pending

---

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

|                    |                         |
|--------------------|-------------------------|
| Burton Rodney      | Registration No. 22,076 |
| Stephen B. Davis   | Registration No. 26,693 |
| Suzanne E. Babajko | Registration No. 32,880 |
| Barry J. Marenberg | Registration No. 40,715 |
| Joan E. Switzer    | Registration No. 34,740 |
| Ronald S. Hermenau | Registration No. 34,620 |

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Address all correspondence to:

Burton Rodney  
Bristol-Myers Squibb Company  
P.O. Box 4000  
Princeton, New Jersey 08543-4000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

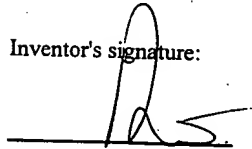
Full name of sole or first Inventor

Peter Timmis

Timmis

11/14/99

Inventor's signature:



Date: 11 Nov 99

Residence: Irby, Merseyside, United Kingdom

Citizenship: United Kingdom

Post Office Address:

5 Heathbank Avenue

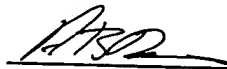
Irby, Merseyside L61 4SD, United Kingdom

L61 4XD PT. 11/11/99

Full name of second Inventor, if any

Andrew B. Dennis

Inventor's signature:



Date: 12 Nov 1999

Residence: Barnston, Merseyside, United Kingdom

Citizenship: United Kingdom

Post Office Address:

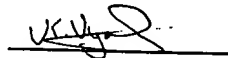
7 Pear Tree Close

Barnston, Merseyside L60 1YD, United Kingdom

Full name of third Inventor, if any

Kiren A. Vyas

Inventor's signature:



Date: 8/11/99

Residence: Canterbury, Kent, United Kingdom

Citizenship: United Kingdom

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